

VOLUME 9. TECHNICAL STAFF ADMINISTRATION AND RESPONSIBILITIES

CHAPTER 1. INSPECTOR RESPONSIBILITIES, ADMINISTRATION, AND CONDUCT

SECTION 2. PERSONAL ETHICS AND CONDUCT

21. PURPOSE. This section contains direction and guidance for aviation safety inspectors (ASI) pertaining to principles of ethics and conduct as they affect the performance of duties. (In this section, ASI also refers to aviation safety technicians and cabin safety inspectors.) Although some basic outlines are listed, this section could not possibly cover all circumstances an inspector may encounter. As inspectors are always in the public eye, FAA expects them to exercise good judgment and professional behavior at all times while on and off duty.

A. Unique Responsibilities of Aviation Safety Inspectors. ASIs are exposed to a number of circumstances that are critical to their positions and that are not pertinent to other Federal Aviation Administration (FAA) job functions. The inspector has the critical position of frequently interpreting and evaluating the quality of training programs, operations and maintenance manuals, pilot and mechanic performance, and overall safety activities. It is imperative that all inspectors be sensitive to the responsibilities and demands of their positions and be objective and impartial while performing their duties. Inspectors must also be sensitive to actual as well as perceived appearances of any conflict that could disrupt the effectiveness or credibility of the Flight Standards mission.

B. Department of Transportation (DOT) Requirements. Inspectors are required to comply fully with the letter and spirit of the standards of conduct as set forth by this section; with those set forth in United States Office of Government Ethics publication, “Standards of Ethical Conduct for Employees of the Executive Branch”; and FAA Order 3750.3C, Orientation to Government-Wide Standards of Conduct (both include Title 5, Part 2635, of the Code of Federal Regulations (5 CFR)); and with those set forth in FAA Order 3750.4A, Conduct and Discipline. The agency’s policy on employee conduct is designed to encourage employees to maintain a level of professionalism that will promote the efficiency of the FAA and conform to accepted principles of conduct.

23. ON-THE-JOB ETHICS AND CONDUCT. The conduct of an ASI has a direct bearing on the proper and effective accomplishment of official job functions and responsibilities. Inspectors are required to approach their duties in a professional manner and to maintain that attitude

throughout their activities. Through their conduct, inspectors working in direct contact with operators and the public bear great responsibility in the determination of public perception of the FAA.

A. Rules of Conduct. All inspectors must observe the following rules of conduct:

NOTE: Bracketed references that follow in subparagraphs 23(A) and 25(C-F) denote page numbers in FAA Order 3750.4A, Conduct and Discipline.

- Report for work on time and in a condition that will permit performance of assigned duties [p.3]
- Render full and industrious service in the performance of their duties [p.3]
- Maintain a professional appearance, as appropriate, during duty hours [p.3]
- Respond promptly to directions and instructions received from their supervisor [p.3]
- Exercise courtesy and tact in dealing with coworkers, supervisors, and members of the public [p.3]
- Obtain approval of all absences from duty [p.6]
- Conserve and protect FAA property, equipment, and materials (Inspectors may not use or permit others to use FAA equipment, property, or personnel for other than official business.) [pp.3 and 5]
- When duties concern the expenditure of public funds, have knowledge of and observe all applicable legal requirements and restrictions [p.4]
- Safeguard classified information as provided in FAA Order 1600.2, National Security Information; and unclassified information that should not be given general circulation as provided in FAA Order 1600.15, Control and Protection of “For Official Use Only” Information (Inspectors must not disclose or discuss any classified information or “official use only” information unless specifically authorized to do so.) [p.3]

- Observe the various laws, rules, regulations, and other authoritative instructions, including all rules, signs, and instructions relating to personal safety [pp.3 and 5]
- Uphold with integrity the public trust involved in the position to which assigned [p.3]
- Report known or suspected violations of law, regulations, or policy through appropriate channels [p.3]
- Do not engage in private activities for personal gain or any other unauthorized purpose while on government property [p.5]
- Give any supervisor or official conducting an official investigation or inquiry all information and testimony about all matters inquired of, arising under the law, rules, and regulations administered by the FAA [p.6]
- Do not use illicit drugs or abuse alcohol or other substances (No one known to do so will be permitted to perform any duties related to aviation safety until the FAA is satisfied that any such person is no longer a risk to public safety.) [p.7]
- Do not participate in telephone eavesdropping (Advance notice must be given whenever any other person is placed on the line for any purpose whatsoever. An advance verbal warning must be given when an automatic recording device or a speaker telephone is used. The use of recording devices, portable or otherwise, on telephones shall be limited to areas involving air safety.) [p.9]
- Do not make irresponsible, false, or defamatory statements that attack, without foundation, the integrity of other individuals or organizations (Inspectors are accountable for the statements they make and the views they express.) [p.9]

B. Sexual Harassment.

(1) The FAA is committed to providing a workplace that is free of sexual harassment. Acts of sexual harassment are prohibited conduct. An ASI has the responsibility to behave in a proper manner and to take appropriate action to eliminate sexual harassment in the workplace.

(2) Actions will be determined to be “unwelcome” when the employee does not solicit the action and the employee regards the conduct as undesirable or offensive. Actions that are in violation of the FAA's policy against sexual harassment include, but are not limited to, the following:

- Unwelcome sexual teasing, jokes, remarks, or questions
- Unwelcome sexual looks (leering, ogling, or staring at a person's body) or gestures

- Unwelcome letters, telephone calls, or materials of a sexual nature
- Unwelcome touching of a sexual nature
- Promise of benefit in exchange for sexual favors
- Threat or act of reprisal for refusal to provide sexual favors

(3) Acts of sexual harassment will be treated as misconduct in violation of the agency's policy against sexual harassment and, when appropriate, as unlawful sex discrimination in violation of Title 29 of the Code of Federal Regulations (29 CFR) part 1604.

25. OFF-THE-JOB ETHICS AND CONDUCT.

A. General. The off duty conduct of an ASI must not cause the public to question their reliability and trustworthiness in carrying out their responsibilities as an employee of the FAA.

B. Political Activity. An ASI may register and vote as they choose and may express their opinions about candidates and issues. However, recent amendments to the Hatch Act have changed both permissible and prohibited activities for all Federal employees. For example, inspectors may be candidates for public office in nonpartisan elections but not in partisan elections. Inspectors may campaign for or against candidates in partisan elections, but may not engage in political activity while on duty.

C. Subversive Activity. No inspector may become a member of any organization that the inspector knows advocates the overthrow of the constitutional form of the government of the U.S., or that seeks by force of violence to deny other persons their rights under the Constitution of the U.S. [p.12]

D. Striking. No inspector may engage in, or encourage another inspector, or any other Federal employee, to engage in a strike, work stoppage, or work slowdown in a labor management dispute involving the Federal Government. [p.12]

E. Meeting Financial Obligations. An ASI is expected to meet their private financial obligations in a proper and timely manner. Failure without sufficient excuse or reason to honor valid debts, including claims based on court judgments and tax delinquencies, or to make and adhere to reasonable arrangements for settlement, will constitute grounds for disciplinary action. [p.12]

F. Inaugural Flight and Ceremonial Events. An ASI shall not accept invitations from airlines, aircraft manufacturers, or other aviation-related businesses, that are subject to FAA regulations, for flights or for free transportation in connection with roll-outs and similar ceremonial events. [p.13]

27. OUTSIDE EMPLOYMENT, FINANCIAL INTERESTS, AND GIFTS.

NOTE: FAA Order 3750.3, current edition, Orientation to Government-Wide Standards of Conduct, addresses the FAA ethics program. Brackets in this paragraph indicate additional sources for reference. Inspectors may contact officials listed in Appendix 1, Designated Agency Ethics Officials and Counselors, to answer questions concerning ethics.

A. Financial Interests. An ASI, his or her spouse, and minor children are not permitted to have any financial interests in any airline, aircraft manufacturer, or any organization primarily in the business of providing goods and services to the aviation industry. This policy is due to the perception that ownership of financial interests in entities regulated by the FAA would significantly diminish public confidence in the FAA's performance of its regulatory functions, and thereby interfere with the accomplishment of the FAA's mission. [5 CFR 2635.402 and 2635.403]

B. Outside Activities. Inspectors may wish to participate in outside aviation activities, such as flight instruction, commercial flying, or any other aviation-related activities. There are many limitations and restrictions associated with these activities. As a general policy, an ASI may not work for an aviation enterprise that has official business with his/her employing office, regardless of the inspector's specific duties. The guiding principal is that all FAA employees must endeavor to avoid actions creating an appearance of violating any of the ethical standards established for Federal Government employees and the prohibition against use of official position for an employee's private gain. [5 CFR §§ 2635.801, 2635.802, and 2635.803]

C. Public Speaking. Inspectors may not receive compensation from any source other than the Government for teaching, speaking, or writing that relates to the employee's official duties. Compensation includes any form of consideration, remuneration, or income, including royalties, given for or in connection with the inspector's teaching, speaking, or writing activities. However, meals or other incidents of attendance, such as waiver of attendance fees or course materials furnished as part of the event at

which the teaching, speaking, or writing activity, are excluded. [5 CFR 2638.801 and 2638.807]

D. Fund Raising. An ASI may not participate in fund raising or soliciting donations from any business or activity for which their office is assigned oversight responsibility. Exceptions to this requirement may exist for door prizes for aviation safety seminars by the aviation safety program. They should be coordinated through the Assistant General Counsel in that region. [5 CFR 2635.808]

E. Gifts. Inspectors may not, directly or indirectly, solicit or accept gifts.

(1) *Unsolicited Gifts.* An inspector may accept unsolicited gifts if the aggregate market value is \$20 or less per occasion or \$50 in 1 year from a single donor. Meals (working lunches, inflight meals) are considered gifts and as such are subject to the \$20/\$50 restrictions. [5 CFR 2635.204]

(2) *Special Occasions.* An inspector may give a supervisor a gift that does not exceed \$10 in value. Gifts that exceed \$10 in value may be given for special occasions such as weddings or other events. [5 CFR 2635.304]

NOTE: Inspectors must exercise the utmost discretion when giving or receiving gifts.

F. Frequent Flyer Miles. Federal employees are authorized to retain promotional items, including frequent flyer miles, earned on official travel. Employees are cautioned that any manipulation of flight schedules to increase the frequent flyer miles accumulated on an official trip is a fraud against the government. In any such case, the employee will be liable for the increased cost to the government, plus any applicable interest and penalties, and may be subject to discipline up to and including separation.

G. Personal Credit Cards. Current DOT policy prohibits the use of personal credit cards for the purchase of transportation in excess of \$100. Benefits acquired from the use of a non-government credit card on a government-paid trip belong to the inspector. [Comptroller General of the U.S., File B-236219, 5/4/90]

28.-40. RESERVED.

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